APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,297	01/28/2004	Steven J. Ross	GP-303781-OST-ALS	5003

74829   7590   04/08/2010
Julia Church Dierker
Dierker & Associates, P.C.
3331 W. Big Beaver Road
Suite 109
Troy, MI 48084-2813

EXAMINER
BOVEJA, NAMRATA

ART UNIT	PAPER NUMBER
3622	

MAIL DATE	DELIVERY MODE
04/08/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 December 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) <u>2,3,7,9,15 and 19</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,5,6,8,10-14,16-18 and 20</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>28 January 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail. Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the communication filed on 12/21/2009.

2.   Claims 2-4, 7, 9, 15, and 19 have been cancelled. Claims 1, 5, 6, 8, 10-14, 16-

18, and 20 are presented for examination.

3.   Amendments to claims 1, 14, and 20 have been entered and considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as
> set forth in section 102 of this title, if the differences between the subject matter sought to be
> patented and the prior art are such that the subject matter as a whole would have been obvious
> at the time the invention was made to a person having ordinary skill in the art to which said
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
> was made.*

4.   *Claims 1, 5, 6, 8, 10-14, 16-18, and 20 are rejected under U.S.C. 103(a) as being*

unpatentable over Treyz et al (Patent Number 6,526,335 hereinafter Treyz) in view of

Nelson (Patent Number 7,093,194 hereinafter Nelson) and further in view of Guck

(Patent Number 5,911,776 hereinafter Guck).

In reference to claims 1, 14, and 20, Treyz teaches a method, a computer

readable medium, and a system for managing subscriber vehicle data in a vehicle data

management system in a computer, comprising: receiving the vehicle data into the

vehicle data management system in the computer (col. 37 lines 10-23 and col. 37 lines

55 to col. 38 lines 3); storing the vehicle data in the vehicle data management system in

the computer (col. 38 lines 4-19); securing access to data in the vehicle data

management system in the computer according to a status based hierarchy by

associating specific vehicle data access privileges with individual client statuses, the

individual client statuses being selected from the group consisting of subscription

service customer (col. 66 lines 21-47, col. 80 lines 57-64, and col. 81 lines 15-31),

campaign manager, engineer, data analyst, call center advisor, portal administrator, and

fleet manager (col. 35 lines 54-60, col. 37 lines 49-54, and Figure 33); receiving a client

data request from a client via a requesting device (col. 72 lines 38-55, col. 80 lines 22-

36, and col. 83 lines 15 to col. 84 lines 31); determining a client identity in the vehicle

data management system in the computer based on the client data request, the client

identity including a position of the client in the status based hierarchy and a class of the

requesting device of the client (col. 35 lines 54-60, col. 37 lines 49-54, col. 43 lines 33-

59, col. 48 lines 43-60, col. 66 lines 21-47, col. 80 lines 57-64, col. 81 lines 15-31, and

Figures 33, 44, and 45), wherein the requesting device class is selected from the group

consisting of personal computers, personal digital assistants, cell phones, and vehicle

telematics units (col. 1 lines 38-46, col. 33 lines 6-61, and col. 34 lines 36-46); and

providing targeted vehicle data from the vehicle data management system in the

computer to the client responsive to the data request (col. 35 lines 54-60, col. 37 lines

34-54, col. 43 lines 33-59, col. 48 lines 43-60, col. 58 lines 24-46, col. 59 lines 21 to col.

60 lines 67, col. 62 lines 61 to col. 63 lines 11, col. 64 lines 23-67, col. 66 lines 21-47,

col. 80 lines 57-64, col. 81 lines 15-31, and Figures 33, 36, and 69).

Treyz does not specifically teach building, <u>via the vehicle data management</u>

<u>system</u> in the computer, a data format template for each client device class associated

with the vehicle data management system based on the status based hierarchy, the

client device class selected from the group consisting of personal computers, personal

digital assistants, cell phones, and vehicle telematics units (Note: the whether a vehicle

data management system is used for building the template does not further limit the

method step of building a template, so it is not being given weight, and any computer

that is used to build a template can meet this limitation); retrieving targeted vehicle data

from a data source in operative communication with the client data management system

for responding to the client data request, the retrieved targeted vehicle data being

based on the client's individual client status in the status based hierarchy; formatting, via

the vehicle data management system in the computer, the retrieved targeted vehicle

data according to the data format template that corresponds with the identified client's

requesting device class and position in the status based hierarchy; and providing the

formatted targeted vehicle data to the client.

> *Nelson teaches building, via a computer, a data format template based on the*

status based hierarchy for display on a client computing device (col. 3 lines 23-38, col. 7

lines 17-23, col. 10 lines 11-14, col. 13 lines 4-16, col. 13 lines 62 to col. 14 lines 58,

and Figures 10-19, 32, 33, and 35); retrieving targeted data from a data source in

operative communication with the client data management system for responding to the

client data request, the retrieved targeted data being based on the client's individual

client status in the status based hierarchy (col. 7 lines 24 to col. 8 lines 67 and Figures

32 and 33); formatting, the retrieved targeted data according to the data format template

that corresponds with the identified client's position in the status based hierarchy (col.

10 lines 12-29 and Figures 1-10); and providing the formatted targeted data to the client

(col. 13 lines 50-51, col. 14 lines 39-48, and col. 15 lines 11-20, and Figures 32, 33, and

35). It would have been obvious to a person of ordinary skill in the art at the time of the

applicant's invention to modify Treyz to include building, via a computer, a data format

template based on the status based hierarchy for display on a client computing device;

retrieving targeted data from a data source in operative communication with the client

data management system for responding to the client data request, the retrieved

targeted data being based on the client's individual client status in the status based

hierarchy; formatting, the retrieved targeted data according to the data format template

that corresponds with the identified client's position in the status based hierarchy; and

providing the formatted targeted data to the client to prevent users from accessing

confidential information that they are authorized to access.

Guck teaches formatting and presenting data based on the type of client device

that is being used (abstract, col. 2 lines 1-32, col. 3 lines 59-63, col. 4 lines 17-26, col. 5

lines 20-25, col. 6 lines 65 to col. 7 lines 37, col. 9 lines 57 to col. 10 lines 6, col. 11

lines 5-13, 52-53, 60-62, and 65-67, and col. 17 lines 61 to col. 18 lines 11). It would

have been obvious to a person of ordinary skill in the art at the time of the applicant's

invention to modify Treyz to include formatting and presenting data based on the type of

client device that is being used to prevent the creation of multiple versions of files for

various client devices (Note: whether the type of data is vehicle data or any other data

does not change the step of formatting and presenting the data and does not further

limit these steps).

5.   In reference to claim 4, Treyz teaches the method wherein the targeted *vehicle*

data is configured to be retrievable through a web hosting portal (col. 38 lines 20-65 and

col. 39 lines 8-15).

Treyz does not specifically teach formatting the targeted data. Guck teaches

formatting and presenting data based on the type of client device that is being used

(abstract, col. 2 lines 1-32, col. 3 lines 59-63, col. 4 lines 17-26, col. 5 lines 20-25, col. 6

lines 65 to col. 7 lines 37, col. 9 lines 57 to col. 10 lines 6, col. 11 lines 5-13, 52-53, 60-

62, and 65-67, and col. 17 lines 61 to col. 18 lines 11). It would have been obvious to a

person of ordinary skill in the art at the time of the applicant's invention to modify Treyz

to include formatting and presenting data based on the type of client device that is being

used to prevent the creation of multiple versions of files for various client devices.

6.   In reference to claim 5, Treyz teaches the method wherein the targeted *vehicle*

data is configured to be retrievable through a voice-enabled web hosting portal (col. 3

lines 21-28 and 50-54, col. 13 lines 38-51, col. 22 lines 35 to col. 23 lines 2, and Figures

74-92 and 114-121).

Treyz does not specifically teach formatting the targeted data. Guck teaches

formatting and presenting data based on the type of client device that is being used

(abstract, col. 2 lines 1-32, col. 3 lines 59-63, col. 4 lines 17-26, col. 5 lines 20-25, col. 6

lines 65 to col. 7 lines 37, col. 9 lines 57 to col. 10 lines 6, col. 11 lines 5-13, 52-53, 60-

62, and 65-67, and col. 17 lines 61 to col. 18 lines 11). It would have been obvious to a

person of ordinary skill in the art at the time of the applicant's invention to modify Treyz

to include formatting and presenting data based on the type of client device that is being

used to prevent the creation of multiple versions of files for various client devices.

7.   In reference to claims 6 and 16, Treyz teaches the method and computer

readable medium wherein determining the client identity comprises: parsing the client

data request for client identity data (col. 15 lines 9-27, col. 30 lines 25-53, and col. 32

lines 28-54).

8.   In reference to claims 8 and 17, Treyz teaches the method and computer

readable medium wherein providing the targeted *vehicle* data comprises: instantiating a

communication portlet that is associated with the determined requesting device class

(col. 58 lines 24-46, col. 62 lines 61 to col. 63 lines 11, and Figure 69), client identity

(col. 15 lines 9-19 and col. 30 lines 25-65), and client status (col. 35 lines 54-60, col. 37

lines 49-54, col. 66 lines 21-47, col. 80 lines 57-64, and col. 81 lines 15-31, and Figure

33); and populating the communication portlet with the retrieved vehicle data (col. 35

lines 9-67, col. 58 lines 24-46, col. 62 lines 61 to col. 63 lines 11, and Figure 69).

Treyz does not specifically teach formatting the targeted data. Guck teaches

formatting and presenting data based on the type of client device that is being used

(abstract, col. 2 lines 1-32, col. 3 lines 59-63, col. 4 lines 17-26, col. 5 lines 20-25, col. 6

lines 65 to col. 7 lines 37, col. 9 lines 57 to col. 10 lines 6, col. 11 lines 5-13, 52-53, 60-

62, and 65-67, and col. 17 lines 61 to col. 18 lines 11). It would have been obvious to a

person of ordinary skill in the art at the time of the applicant's invention to modify Treyz

to include formatting and presenting data based on the type of client device that is being

used to prevent the creation of multiple versions of files for various client devices.

9.   In reference to claim 10, Treyz teaches the method wherein the targeted *vehicle*
data includes advertisements that are selected based on the requesting device class
(col. 58 lines 24-46, col. 62 lines 61 to col. 63 lines 11, and Figure 69), status (col. 35
lines 54-60, col. 37 lines 49-54, col. 66 lines 21-47, col. 80 lines 57-64, and col. 81 lines
15-31, and Figure 33), and identity of the client (col. 15 lines 9-27, col. 30 lines 25-53,
col. 32 lines 28-54, and col. 35 lines 9-67).

Treyz does not specifically teach formatting the targeted data. Guck teaches
formatting and presenting data based on the type of client device that is being used
(abstract, col. 2 lines 1-32, col. 3 lines 59-63, col. 4 lines 17-26, col. 5 lines 20-25, col. 6
lines 65 to col. 7 lines 37, col. 9 lines 57 to col. 10 lines 6, col. 11 lines 5-13, 52-53, 60-
62, and 65-67, and col. 17 lines 61 to col. 18 lines 11). It would have been obvious to a
person of ordinary skill in the art at the time of the applicant's invention to modify Treyz
to include formatting and presenting data based on the type of client device that is being
used to prevent the creation of multiple versions of files for various client devices.

10.   In reference to claim 11, Treyz teaches the method wherein the targeted *vehicle*
data includes analytical data that are selected based on the client request (col. 16 lines
65 to col. 17 lines 13 and col. 38 lines 20-45).

Treyz does not specifically teach formatting the targeted data. Guck teaches
formatting and presenting data based on the type of client device that is being used
(abstract, col. 2 lines 1-32, col. 3 lines 59-63, col. 4 lines 17-26, col. 5 lines 20-25, col. 6
lines 65 to col. 7 lines 37, col. 9 lines 57 to col. 10 lines 6, col. 11 lines 5-13, 52-53, 60-
62, and 65-67, and col. 17 lines 61 to col. 18 lines 11). It would have been obvious to a

person of ordinary skill in the art at the time of the applicant's invention to modify Treyz

to include formatting and presenting data based on the type of client device that is being

used to prevent the creation of multiple versions of files for various client devices.

11.   In reference to claims 12 and 18, Treyz teaches the method and computer

readable medium wherein retrieving *targeted* vehicle data is accomplished by

requesting the vehicle data from a vehicle communications unit of a vehicle that is

identified by the client data request (col. 37 lines 34 to col. 38 lines 54).

12.   In reference to claim 13, Treyz teaches the method wherein *the targeted* vehicle

data is selected from the group consisting of subscription service data, vehicle operating

data, vehicle maintenance data (col. 38 lines 20 to col. 39 lines 15), and vehicle lease

data.

Response to Arguments

13.   After careful review of Applicant's remarks/arguments filed on 12/21/2009, the

Applicant's amendments and arguments with respect to claims 1, 5, 6, 8, 10-14, 16-18,

and 20 are presented for examination and have been fully considered but are moot in

view of the new ground(s) of rejection. Amendments to the claims have been entered

and considered.

14.   Applicants additional remarks are addressed to new limitations in the claims and

have been addressed in the rejection necessitated by the amendments.

Conclusion

15.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §

706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR

1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is

571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eric Stamber can be reached on 571-272-6724. The **Central FAX** phone

number for the organization where this application or proceeding is assigned is **571-**

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 1866-217-9197 (toll-free).

/NAMRATA BOVEJA/

Primary Examiner, Art Unit 3622